

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Revision No. 144 of 2007.

Date of decision: November 14, 2007.

Krishan Kumar Sood Petitioner.

Versus

Rajinder Singh Jamalta Respondent.

Coram

The Hon'ble Mr. Justice Dev Darshan Sud, J.

*Whether approved for reporting?*¹ No.

For the Petitioners: Shri Ajay Kumar, Advocate.

For the Respondent: Shri Sunil Mohan Goel, Advocate.

Dev Darshan Sud, J. (Oral) .

The petitioner is the tenant who has preferred this revision against the order passed by the Rent Controller in an application under Order 8 rule 1-A (3) of the Code of Civil Procedure for placing on record additional documents in the nature of bills etc. The learned Rent Controller has dismissed the application in a terse manner without applying his mind to the facts of the case, holding that "....I am of the view that the civil right can be

¹ *Whether reports of Local Papers may be allowed to see the judgment?* Yes.

claimed by only vigilant litigant and those who have come with clean hands to the Court. By going through various documents annexed with this application I have no doubt that these are of the nature which could be brought at earlier stage, as it was within the possession of the applicant, and so court cannot allow this application as applicant now wants to give surprise to the non applicant by producing all these documents at this stage when the petitioner has already closed his evidence..." This is hardly a satisfactory way of disposing of an application which should have been decided by a reasoned order. Learned Rent Controller has given a complete go bye to the provisions of law under which the documents were sought to be produced and completely forgotten that mere production of documents does not prove the case of a litigant. The facts alleged in document(s) have to be proved before the Court to urge that the state of affairs depicted in the document(s) exists. That apart, I find that the learned Rent Controller has dealt with the matter in a shoddy manner, giving a complete go bye to the established principles of law. I need not make any further observation.

In the facts and circumstances of the case, this revision is accepted; the order of the Rent Controller is quashed and set aside. He is directed to take on record the documents produced by the defendant and to proceed with the matter further in accordance with law. In case of need, an opportunity to the petitioner will be provided to rebut the documents produced by the respondent. Parties are directed to appear before the trial Court on 4.12.2007. There shall be no order as to costs. Pending application(s) shall stand disposed of and interim orders shall stand vacated.

November 14, 2007 (PC) .

(Dev Darshan Sud) , J.